

### **REMARKS**

Claims 1, 2, 13 and 14 are the only claims pending in the present application. All remaining claims have been canceled without prejudice in order to expedite the allowance of the present application. Additionally, claim 1 is the only claim in independent form.

Claims 6-8 and 10 have been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement for any variant or homolog of SEQ ID No: 1. Specifically referring to these claims, the claims are directed towards any polypeptide of at least 70% identity to SEQ ID No: 1. In response thereto and in order to expedite the allowance of the present application, claims 6-8 and 10 have been canceled from the present application without prejudice. As a result, reconsideration of the rejection is respectfully requested.

Claims 6-8 and 10 have also been rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. As set forth above, these claims have been canceled from the present application without prejudice and therefore render the rejection moot.

Claims 3, 8, 10, 17-21, and 39 have also been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. According to the Examiner, claims 3, 8, 10, 19, and 20 have been rejected because they read on vaccines or protective compositions against *L. Intracellularis*. In order to expedite the allowance of the present application, these claims have been canceled without prejudice. Reconsideration of the rejection is respectfully requested.

Claims 13 and 14 have been objected to as depending upon a rejected claim. In response thereto, claim 13 has been amended to specifically depend upon

allowed claim 2. As a result of the amendments to the claim, reconsideration of the rejection is respectfully requested.

The remaining dependent claims not discussed above are ultimately dependent upon at least one of the independent claims discussed above. No prior art reference makes up for the deficiencies of that reference as applied against the independent claims as no prior art reference discloses or suggests the invention as set forth in the claims as discussed in detail above.

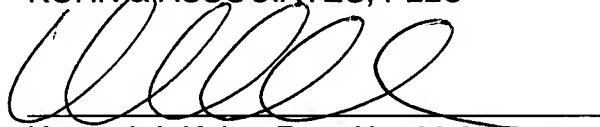
It is respectfully requested that the present amendment be entered in order to place the application in condition for allowance or at least in better condition for appeal. It is respectfully submitted that the present amendment places the application in condition for allowance as it removes all remaining issues in dispute. Specifically, the amendment follows suggestions set forth in the Office Action and clarifies the present invention. As a result, no remaining issues are in dispute. Since there is no prior art cited against any of these claims, it is respectfully submitted that all of the claims are in condition for allowance. It is also respectfully submitted that the present amendment places the application in condition for appeal. The claims have not been made broader in scope, thereby requiring no further searching nor raise any new issues. In fact, all claims now include limitations of previously pending claims and were therefore previously searched.

In summary, the present application is now in condition for allowance, which allowance is respectfully requested. If any remaining issues exist, Applicants respectfully request to be contacted by telephone at (248) 539-5050.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



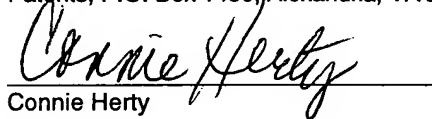
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Dated: May 5, 2005

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Connie Herty